

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQO 2005-0001
DATE ADOPTED	January 20, 2005
PETITION TITLE	PETITION OF HUMBOLDT WATERSHED COUNCIL (BOARD DIRECTION TO ENROLL PACIFIC LUMBER COMPANY UNDER GENERAL WASTE DISCHARGE REQUIREMENTS FOR LOGGING)
POPULAR NAME <i>[if applicable]</i>	
REGIONAL BOARD	North Coast Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1683

PRECEDENTIAL DECISION

The Executive Officer of the North Coast Regional Water Quality Control Board (Regional Board) enrolled four timber harvesting plans (THPs) submitted by the Pacific Lumber Company (PALCO) under General Waste Discharge Requirements Order No. R1-2004-0030 on December 24, 2004. The THPs are located in the drainages of Freshwater Creek and the Elk River, areas that had previously been subject to State Water Resources Control Board (State Board) review. The Humboldt Watershed Council (Council) filed a timely petition with the State Board contesting the validity of those enrollments and asking that the State Board stay the effective date of those enrollments until the petition could be addressed on its merits. A hearing was held before Peter S. Silva, Vice Chair of the State Board, sitting as hearing officer by appointment of the Chair, on January 19, 2005, in the State Board's offices.

The Council presented no evidence, either documentary or testimonial, showing that the approval of the four THPs would add to the burden on water quality during the time the petition will be pending before the State Board. Contrary evidence was introduced showing that the four THPs would have no adverse effects. The Council introduced some evidence showing that the financial impact on PALCO would be minimal but PALCO presented credible evidence that some among its employees and contractors would suffer significant harm if a stay was granted.

Because the Council failed to show that the public would suffer substantial harm if a stay was not granted and also failed to show that no substantial harm would result for others if a stay was granted, Mr. Silva denied the request for a stay on January 20, 2005.